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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
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8 MICHAEL THOMAS,  
9 Plaintiff,  
10 v.  
11 PALOMINO,  
12 Defendant.

No. 1:23-cv-01232-SAB (PC)  
ORDER DENYING PLAINTIFF'S REQUEST  
FOR CLARIFICATION OF LAW AND  
JUDICIAL NOTICE  
(ECF No. 31)

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14 Plaintiff is proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983. This action  
15 proceeds on Plaintiff's deliberate indifference claim against Defendant Palomino.

16 On December 16, 2024, Defendant filed a motion for summary judgment for failure to  
17 exhaust the administrative remedies. (ECF No. 26.) On January 6, 2025, Defendant filed a  
18 motion to stay all merits-based discovery, which was granted on January 7, 2025. (ECF Nos. 27,  
19 28.)

20 On January 10, 2025, Plaintiff filed an opposition to Defendant's motion for summary  
21 judgment, and Defendant filed a reply on January 24, 2025. (ECF Nos. 29, 30.)

22 On January 27, 2025, Plaintiff filed a statement of non-opposition to Defendant's stay of  
23 merits-based discovery, and request for the Court to clarify the law and take judicial notice of  
24 certain factual findings. (ECF No. 31.) Therein, Plaintiff requests that the Court make specific  
25 findings regarding the mailbox rule, settlement conference proceedings, applicable deadlines, and  
26 access to legal property, in relation to the pending motion for summary judgment. (Id.)

27 Plaintiff's request must be denied. Plaintiff is advised that the Court does not issue  
28 advisory opinions or provide legal advice, even to pro se litigation. See Chi. & S. Air Lines v.

1        Waterman S. S. Corp., 333 U.S. 103, 113–14 (1948) (“This Court early and wisely determined

2        that it would not give advisory opinions even when asked by the Chief Executive. It has also been

3        the firm and unvarying practice of Constitutional Courts to render no judgments not binding and

4        conclusive on the parties and none that are subject to later review or alteration by administrative

5        action.” (citation omitted); see also Linger v. Conan Doyle Estate, Ltd., 755 F.3d 496, 498-499

6        (7th Cir. 2014) (although “[i]t would be very nice to be able to ask federal judges for legal advice

7        ... advisory jurisdiction ... is ... inconsistent with Article III’s limitation of federal jurisdiction to

8        actual disputes.” (internal citations omitted)).

9            In addition, there is no basis for the Court to take judicial notice of specific facts relating

10        to Plaintiff’s access to his legal property. Federal Rule of Evidence 201 governs judicial notice.

11        Under Rule 201, a court may take judicial notice of “an adjudicative fact if it is ‘not subject to

12        reasonable dispute.’ ” Khoja v. Orexigen Therapeutics, Inc., 899 F.3d 988, 999 (9th Cir. 2018)

13        (quoting Fed. R. Evid. 201(b)). A fact is “not subject to reasonable dispute” if it is “generally

14        known,” or “can be accurately and readily determined from sources whose accuracy cannot

15        reasonably be questioned.” Fed. R. Evid. 201(b). Plaintiff’s request that the Court take judicial

16        notice of the fact that he does not have access to his grievance documents is not either generally

17        known, or capable of accurate and ready determination by resort to sources whose accuracy

18        cannot be questioned, and therefore is not subject to judicial notice. Nonetheless, Plaintiff is

19        advised that the Court will consider all relevant facts and arguments when ruling on Defendant’s

20        pending motion for summary judgment.

21            Based on the foregoing, it is HEREBY ORDERED that Plaintiff’s request for an advisory

22        opinion and judicial notice is DENIED.

23            IT IS SO ORDERED.

24            Dated: January 28, 2025



25            STANLEY A. BOONE  
26            United States Magistrate Judge